

# Update: Court Certifies PFAS Class Action Against Smucker Pet Food

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January 26, 2026

**Update (Jan. 22, 2026):** Following publication of this article, Judge William H. Orrick certified a class of California consumers in *Jeruchim et al. v. The J.M. Smucker Co. et al.* (N.D. Cal.). Our analysis below reflects the court's reasoning leading to certification. Judge Orrick found plaintiffs' assertion that they were "unable to rely on [Smucker's] advertising or labeling in the future" satisfied the actual injury requirement for class certification.<sup>1</sup> Numerosity was met because of the millions of products sold within the class period.<sup>2</sup> The judge also found that the requirement of typicality was met because of the common issue that Smucker's failure to disclose PFAS in the packaging rendered their "healthy product" claims misleading.<sup>3</sup> With respect to Smucker's arguments against certification, Judge Orrick found that "Smucker's concerns go more towards the weight of the evidence, a question that gets to the merits of the case."<sup>4</sup>

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A class action lawsuit against J.M. Smucker Co. filed in California federal court is nearing certification.<sup>5</sup> Plaintiffs allege Smucker failed to warn consumers of potential risks associated with per- and polyfluoroalkyl substances (PFAS) in its pet food packaging<sup>6</sup> and that plaintiffs relied on the packaging, which asserted the food was healthy.<sup>7</sup> Hon. William H. Orrick, upon hearing plaintiffs' motion for class certification, stated that the alleged injury, overpayment for the pet food, is sufficient to satisfy standing for class certification.<sup>8</sup> Plaintiffs relied on Orrick's 2021 decision in *Zeiger v. WellPet LLC* that in order to establish reliance, consumers need not point to a specific statement by defendant; rather, they need only establish that they would have behaved differently.<sup>9</sup>

Counsel for Smucker argued there must be classwide evidence to establish an unreasonable risk of harm for class certification,<sup>10</sup> referencing an expert who testified at the class certification stage, "I don't know what the risk is."<sup>11</sup> Smucker highlighted this was the only person putting on evidence of an unreasonable risk.<sup>12</sup>

Smucker emphasized its pet food packaging is "fundamentally different" from food packaging studies relied on by plaintiffs.<sup>13</sup> The PFAS component of Smucker's packaging consists of three layers, ink, and a clear coating.<sup>14</sup> Smucker further argued pet food storage methods affect the risk of alleged PFAS exposure, reasoning that storage in a container instead of original packaging, temperature, and climate affect the alleged PFAS migration.<sup>15</sup> Because of this, some consumers within the class face a lower risk profile than others.<sup>16</sup>

Smucker argued plaintiffs cannot causally connect the alleged failure to warn to whether consumers would have either paid less or not purchased the pet food had PFAS warnings been made.<sup>17</sup> However, Orrick reasoned that the issues raised by Smucker are better addressed on the merits rather than at class certification, noting the issue of whether PFAS can even migrate from packaging to pet food.<sup>18</sup>

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<sup>1</sup> Dorothy Atkins, "Smucker Pet Food Buyers Win Cert. in PFAS Disclosure Fight," *Law360* (Jan. 22, 2026) <https://www.law360.com/articles/2433229/smucker-pet-food-buyers-win-cert-in-pfas-disclosure-fight>

<sup>2</sup> Christopher M. Longo, "ADVERTISING—N.D. Cal.: Class certified in Smucker pet food labeling, PFAS case, (Jan 23, 2026)," *WOLTERS KLUWER*, <https://www.vitalaw.com/news/advertising-n-d-cal-class-certified-in-smucker-pet->

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[food-labeling-pfas-case/ald0152718e620f214387a14e1d0b4de67d61?refURL=https%3A%2F%2Fwww.google.com%2F#](https://www.petfoodindustry.com/pet-food-lawsuits-litigation/news/15775082/smucker-pet-food-pfas-lawsuit-nears-certification)

<sup>3</sup> *Id.*

<sup>4</sup> Order Granting Class Certification and Addressing Sealing Motions, 24, *Sandra Jeruchim, et al., v. The J. M. Smucker Company, et al.*, No. 22-cv-06913-WHO (N.D. Cal. 2026).

<sup>5</sup> Tim Wall, “Smucker pet food PFAS ‘forever chemical’ lawsuit nears certification,” *Petfood Industry* (Jan. 2, 2026) <https://www.petfoodindustry.com/pet-food-lawsuits-litigation/news/15775082/smucker-pet-food-pfas-lawsuit-nears-certification>.

<sup>6</sup> “Smucker pet food PFAS class action lawsuit moves toward certification,” *Top Class Actions* (Dec. 31, 2025) [Smucker pet food PFAS class action lawsuit moves toward certification](#).

<sup>7</sup> Wall, *supra* note 1.

<sup>8</sup> Dorothy Atkins, “Smucker Pet Food Buyers Near Cert. in PFAS Disclosure Fight,” *LAW360* (Dec. 9, 2025, 10:44 PM) <https://www.law360.com/articles/2419985/smucker-pet-food-buyers-near-cert-in-pfas-disclosure-fight>.

<sup>9</sup> *Id.*

<sup>10</sup> *Id.*

<sup>11</sup> *Id.*

<sup>12</sup> *Id.*

<sup>13</sup> “Smucker pet food PFAS class action lawsuit moves toward certification,” *supra* note 2.

<sup>14</sup> *Id.*

<sup>15</sup> Atkins, *supra* note 4.

<sup>16</sup> *Id.*

<sup>17</sup> *Id.*

<sup>18</sup> *Id.*